

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

Enforcement Case No. 12-11583

**Shauna Ramirez 0566510,
Golden Liberty Insurance Brokers 0094062,
Johan Ramirez &
Associates Insurance Brokers,**

Respondents.

_____ /

Issued and entered
this 9th day of September, 2012
By Annette E. Flood
Chief Deputy Commissioner

**ORDER TO CEASE AND DESIST
WITH STATEMENT OF FINDINGS
AND
OPPORTUNITY FOR HEARING**

Pursuant to Section 251 of the Michigan Insurance Code (Code), MCL 500.251, and after reviewing evidence of the conduct described in the attached Statement of Findings; and

WHEREAS, the Commissioner finds that immediate action is necessary and appropriate in the public interest for the protection of the public health, safety, and welfare and consistent with the purposes fairly intended by public policy and provisions of the Code;

IT IS THEREFORE ORDERED that:

1. The Respondents shall immediately **CEASE AND DESIST** from all activities in violation of the Code as described in the Statement of Findings.
2. A copy of this Order shall be immediately served upon Respondents. As to any Respondent, this Order shall be effective upon the date of service.
3. Respondents will have 30 calendar days after the service of this Order to contest it by requesting a hearing. Within 10 calendar days after receiving the request, the hearing process shall commence. This Order shall remain in effect until further order of the

Commissioner. Any request for a hearing should be addressed to the Office of Financial and Insurance Regulation, Attention: Tracy Janousek, Hearings Clerk, P.O. Box 30220, Lansing, MI 48909-7720 or faxed to 517-373-1224.

4. Any such hearing held shall address the following issues:
 - a) The facts set forth in the Statement of Findings.
 - b) The continuation of the Order to Cease and Desist.
 - c) Restitution to be paid by the Respondents.
5. If a hearing is requested, an administrative law judge from the Michigan Administrative Hearing System shall preside over any such hearing.
6. The Commissioner retains jurisdiction of the matters contained herein and the authority to issue such further Orders as shall be deemed just, necessary, and appropriate.
7. A person who violates or otherwise fails to comply with an Order to Cease and Desist is subject to one or more of the following:
 - a) Payment of a civil fine of not more than \$1,000 for each violation not to exceed an aggregate civil fine of \$30,000. However, if the person knew or reasonably should have known the conduct was in violation of the cease and desist order, the person shall be subject to a civil fine of not more than \$25,000 for each violation not to exceed an aggregate civil fine of \$250,000.
 - b) Suspension or revocation of the person's license or certificate of authority.
 - c) Complete restitution, in the form, amount, and within the period determined by the Commissioner, to all persons in Michigan damaged by the violation or failure to comply.


Annette E. Flood
Chief Deputy Commissioner

STATEMENT OF FINDINGS

1. Respondent Shauna Ramirez is not and has never been licensed by the state of Michigan to sell, solicit, or negotiate insurance or to act as an agent or solicitor.
2. Respondent Golden Liberty Insurance Brokers is not and has never been licensed by the state of Michigan to sell, solicit, or negotiate insurance or to act as an agent or solicitor.
3. Respondent Johan Ramirez & Associates Insurance Brokers is not and has never been licensed by the state of Michigan to sell, solicit, or negotiate insurance or to act as an agent or solicitor.
4. On or about November 24, 2009, Respondents sold a commercial insurance policy to RHT, Inc. This policy was placed by Crump Insurance Services (Crump), a licensed producer.
5. The total premium for the time the policy was in effect was \$27,532.00.
6. During the effective period, RHT, Inc. remitted to Respondents a total of \$44,032.33.
7. Respondents remitted to Crump \$24,525.86.
8. Because Respondents failed or refused to remit the total premium due to Crump, the policy was cancelled on September 13, 2010, for nonpayment.
9. Respondents collected far more than what was owed on the policy and failed or refused to return the excess money to RHT, Inc. Respondents owe restitution to RHT, Inc. in the amount of \$19,507.33, the \$44,032.33 paid minus the \$24,525.00 remitted to Crump.
10. Section 1201a(1) of the Insurance Code, MCL 500.1201a(1), states, "A person shall not sell, solicit, or negotiate insurance in this state for any line of insurance unless the person is licensed for that qualification in accordance with this chapter."
11. Respondent Shauna Ramirez acted as an insurance producer by selling, soliciting, and negotiating a commercial insurance policy on a risk located in the State of Michigan.
12. Section 1205(2) of the Code, MCL 500.1205(2) states, "A business entity acting as an insurance producer shall obtain an insurance producer license."
13. Respondents Golden Liberty Insurance Brokers and Johan Ramirez & Associates Insurance Brokers acted as insurance producers by selling, soliciting, and negotiating a commercial insurance policy on a risk located in the State of Michigan.
14. Section 1207(1) of the Code, MCL 500.1207(1), states, "An agent shall be a fiduciary for all money received or held by the agent in his or her capacity as an agent." An "agent"

means an insurance producer, and an insurance producer “means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.” MCL 500.1201(a) and (e).

15. Respondents collected premium on a commercial policy from RHT, Inc., and failed to remit the premium, in violation of their fiduciary responsibilities, causing the policy to cancel.
16. Section 1239(1)(d) and (1)(h) respectively provide justification for the Commissioner to levy a civil fine for “[i]mproperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business” and “[u]sing fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.”
17. Based on the Respondents’ conduct as described above, Respondents are in violation of MCL 500.1201a(1), MCL 500.1201(a)(2), and MCL 500.1207(1) for engaging in business as an insurance producer without the required license and improperly withholding, misappropriating, or converting money received in the course of doing business. Their conduct demonstrates that they have used fraudulent, coercive, and dishonest practices and that they are incompetent, untrustworthy, and financially irresponsible in the conduct of business.